

Remarks

The Notice of Drawing Inconsistency with Specification mailed October 16, 2009 asserts that the specification of the captioned application refers to Figures 1-11, but that the application as filed contained only Figures 1-7. The PTO PAIR file shows Figures 1-7 on two pages of drawings.

In response, applicant notes that the document titled "Submission of a New Patent Application" submitted concurrently with the instant application, and shown in the PTO PAIR file, states that the application contained three pages of drawings. Moreover, the stamped receipt postcard submitted by applicant and returned by the PTO postmarked October 6, 2003 bearing the serial number of the application shows that three pages of drawings were submitted. A copy of the "Submission of a New Patent Application" is attached hereto as APPENDIX A, and copies of the front and back of the receipt postcard are attached hereto as APPENDIX B and APPENDIX C, respectively. The PTO failed to indicate the absence of a third sheets of drawings either in pre-exam or during examination of the application. Applicant respectfully submits, therefore, that this evidence demonstrates that three sheets of drawings were submitted with the application and that the third sheet was misplaced at the PTO.

Support for the content of the third sheet of drawings submitted herewith can be found throughout the specification, including the Brief Description of the Drawings. Moreover, applicant's PCT application, PCT/US03/031126, submitted to the PTO as U.S. Receiving Office on the same day as the instant application, contains three sheets of drawings. Figures 1-7 shown on the first two sheets of drawings of PCT/US03/031126 are identical to Figures 1-7 as shown in the PTO PAIR file of the instant application. The description of Figures 8-11 in the Brief Description of the Drawings in the PCT application is identical to the description of those figures in the present application and Figures 8-11 submitted herewith are identical to Figures 8-11 of the PCT application. In addition, Figures 8 to 11 as submitted herewith, were also present in US Provisional Application 60/496,037, filed August 18, 2003, to which this application claims priority. Applicant respectfully submits that these facts demonstrate that applicant was in possession of the subject matter of Figures 8-11 submitted herewith on the filing date of the instant application (October 2, 2003).

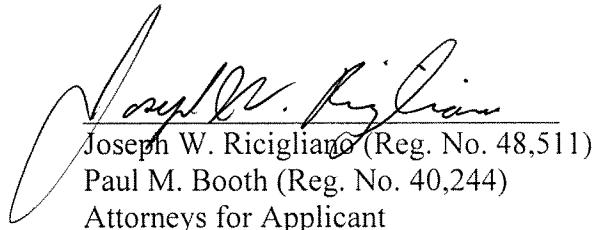
For the reasons set forth above, entry of Figures 8-11 submitted herewith respectfully is requested. To conform to current U.S. practice, applicant is providing Figures 8 to 11 on separate sheets as opposed to the single sheet on which those figures initially appeared.

Applicant has also amended the Brief Description of the Drawings to provide a legend for Figure 6b as requested in the October 16, 2009, notice. This amendment is supported by the specification, for example in the paragraph spanning pages 27 and 28 as originally filed.

Conclusion

Applicant believes this paper is fully responsive to the Notice of October 16, 2009. Examiner Hines is requested to contact applicant's undersigned representatives with any questions regarding this application.

Respectfully submitted,



Joseph W. Ricigliano (Reg. No. 48,511)
Paul M. Booth (Reg. No. 40,244)
Attorneys for Applicant

Customer No. 91106

Date: November 4, 2009
Perkins Coie LLP
607 Fourteenth Street N.W.
Washington, D.C. 20005-2003
PHONE: 202.434.1663
FAX: 202.654.9676
E-MAIL: JRicigliano@perkinscoie.com